Basic Comprehensive Certificates of Approval(Air)

A User Guide

Environmental Assessment & Approvals Branch
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1. INTRODUCTION

1.1 Purpose of User Guide

The purpose of this user guide is to outline the basic requirements to demonstrating compliance with the terms and conditions of a Basic Comprehensive Certificate of Approval (Air) (Comprehensive CofA).

A Comprehensive CofA is a single Certificate of Approval (Air) that replaces existing Certificate(s) of Approval (Air) and includes new or historically unapproved sources of all emissions from the facility. The Comprehensive CofA requires that the company demonstrate ongoing compliance with the General Air Pollution Regulation (O. Reg. 346) and other performance requirements in accordance with the conditions in the CofA. Further, a Comprehensive CofA permits modifications such as process changes, de-bottlenecking or the addition of new equipment subject to the limited operational flexibility conditions specified on the Comprehensive CofA.

Specific sections of this user guide provide background information into the basis for the Comprehensive CofA, discuss the limited operational flexibility provided by the certificate and outline the minimum requirements for the owner.

1.2 Direction of EAAB

The Environmental Assessment and Approvals Branch (EAAB) is responsible for reviewing applications for approval of facilities under the Environmental Protection Act (EPA) and related environmental legislation. The Branch Goals are to: maintain high standards for environmental protection, human health protection and resource conservation, provide fully integrated services that are continuously improving and support clear and productive relationships with all clients and delivery partners. The Comprehensive CofA is in keeping with these goals and is the preferred approval for the Air Approval program.

1.3 What is a Comprehensive CofA?

Comprehensive CofAs improve the level of environmental protection of the Air Approval Program by requiring companies to focus on demonstrating ongoing compliance with the ministry's air quality criteria imposed by O. Reg. 346. Comprehensive CofAs reduce delay to industry associated with the traditional approvals process by allowing companies the opportunity to make some modifications to their facility (limited operational flexibility) without having to go through the formal application process for each and every process change.

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A Comprehensive CofA includes the following primary components:

- requirements to meet specific performance limits and documenting procedures including the need to maintain a current Emission Summary and Dispersion Modelling Report (ESDM Report) that reflects the actual operation of the facility and documents ongoing compliance;
- permission to make modifications that would otherwise require Section 9 approval (i.e., process changes, de-bottlenecking or addition of new equipment);
- limits on the operational flexibility up to an approved maximum production rate for the facility specified on the CofA;
- a five year renewal of operational flexibility conditions;
- a requirement that an annual Written Summary must be submitted to the ministry; and
- standard and facility specific conditions that are considered necessary to protect the environment.

1.4 Benefits

The holder of a Comprehensive CofA will achieve the following benefits:

- integration of Environmental Management Systems such as ISO 14000 into a single process to demonstrate compliance with Section 9 of the EPA and Section 5 of O. Reg. 346;
- ability to plan and to make production changes in a timely manner;
- a predictable and routine process that can be integrated into core business procedures; and
- improved focus on compliance with air standards through the requirement for on-going and facility-wide maintenance of an ESDM Report.

2. REGULATION OVERVIEW

Section 9 of the EPA forms the basis for the Air Approval program in Ontario. First promulgated in 1970, Section 9, requires companies to obtain an approval before construction, alteration, extension or replacement of any equipment or structure that may emit or from which may be emitted a contaminant into the natural environment, other than water. Approval is also required for the ongoing operation of any equipment that may discharge a contaminant to the atmosphere. The wording of Section 9 is broad with the result that most industrial processes or modifications to industrial processes and equipment require approval.

Under Section 9(2) the Director may require information related to the application prior to issuing the certificate. The Director has formalized the information requirements through a standard application form and in a number of guidance documents available from the EAAB.

Most significantly, in June 1998 the ministry released a document entitled *Procedure for Preparing* an *Emission Summary and Dispersion Modelling Report* (The Procedure Document). The Procedure Document was developed to provide clear instructions on the process required to demonstrate compliance with Section 5 of O. Reg. 346.

Section 5 of O. Reg. 346 under the EPA provides concentration-based limits for contaminants and outlines a dispersion modelling process to assess compliance with these limits based on the emission rate of a contaminant from the facility. It requires that where a facility emits a contaminant into the air from one or more sources, the concentration in the atmosphere resulting from that pollutant being emitted from all sources must be less than the prescribed criteria. As O. Reg. 346 is currently structured, three key components need to be considered: emission summary (what a facility emits to the atmosphere); dispersion modelling (prediction of how the emitted material is diluted as it moves through the atmosphere); and the comparison of the predicted Point of Impingement (POI) concentrations to an appropriate limit on the concentration of the contaminant in the atmosphere.

In order to obtain approval, applicants are, as a minimum, required to demonstrate compliance with O. Reg. 346 by preparing an Emission Summary and Dispersion Modelling (ESDM) report in accordance with the Procedure Document. Since October 1998 the ministry has required that a complete ESDM report be submitted in support of an application for approval under Section 9 of the EPA. The Procedure Document provides clear direction on the preparation of an ESDM report.

3. LIMITED OPERATIONAL FLEXIBILITY

A Comprehensive CofA has specific conditions that allow limited operational flexibility without the need to obtain amendment to the certificate that otherwise would be required under Section 9 of the EPA.

3.1 Permitted Modifications

A company may make modifications, as defined by the Comprehensive CofA, that do not change the nature of the operations of the facility as described in the certificate and in the original application as long as the effect of these modifications meet the requirements of all other conditions of the certificate, most notably compliance with O. Reg. 346.

Examples of modifications that may be permitted by a Comprehensive CofA include but are not limited to:

- a relocation of an emission point;
- addition of pollution control equipment;
- product reformulation or model year updates such as paint colour change;
- an increase or change in the rate of use or composition of raw materials; or
- introduction of new product lines and related retooling and equipment installation.

In each case, the modification must not alter the facility to such an extent that the General Description Section of the Comprehensive CofA, that lists in broad terms the main processes that are conducted at the facility, is altered. Therefore, the General Description must be developed with care so that the description is explicit to describe what operations are conducted at the facility but is sufficiently general to allow the limited operational flexibility.

The Comprehensive CofA does not exempt the holder from other requirements of any other environmental legislation such as the *Environmental Assessment Act.*

3.2 Prohibited Modifications

The Comprehensive CofA prohibits a company from undertaking modifications that would alter the original nature of the operations of the facility as described in the certificate and in the original application, without first obtaining an amendment to the Comprehensive CofA. Examples of modifications that <u>are not</u> permitted by a Comprehensive CofA are:

- installation of cogeneration equipment, if not included in the application; or
- fundamental shifts in production or business such as a change in operations from a manufacturing facility to waste processing facility.

In each case, a prohibited modification would alter the facility significantly and would result in a significant change to the nature of emissions that were not considered by the Director in issuing the Comprehensive CofA.

3.3 Production Limit

In addition to the above limits the company is limited to a maximum production rate specified on the Comprehensive CofA. This production rate is placed on the main product or product(s) produced at the facility and represents the design capacity of the facility's operations. The production rate limit should be consistent with and linked to

the assumptions used to develop the Maximum Emission Rate Scenario described in the ESDM Report.

The intent for this limit is to require an amendment to the Comprehensive CofA if significant production increases that require a major capital project expenditure is proposed. Care must be taken in establishing the production rate limit so as not to prevent de-bottlenecking operations to increase production from the current level to the design capacity.

The Comprehensive CofA does not specifically limit ancillary operations such as welding or non process heating so long as any modifications do not alter the General Description Section as noted above.

3.4 Expiry Date

The conditions that permit the limited operational flexibility have an expiry date, set five years from the date of the CofA. The approval will still be in force after this expiry date has passed and operations will be allowed to continue, however, if the company wishes to continue to operate with limited operational flexibility then the company must submit an application to extend the expiry date for the limited operational flexibility conditions.

If the company does not submit the application to extend the expiry date for the limited operational flexibility conditions, then the company will no longer have the ability to make modifications without submitting an application. The ESDM that describes the facility at the time of the expiry will serve as the documentation of the Equipment approved by the expired Comprehensive CofA. The company will then be required to make application prior to any further modifications to the facility as required by Section 9 after the expiry date.

4. PERFORMANCE LIMITS

A Comprehensive CofA has specific conditions that place performance limits on the facility that restricts the rate of Compounds of Concern that may be emitted. Failure to meet these performance limits or any other condition on the Comprehensive CofA can result in the revocation of the conditions that provide limited operational flexibility and may result in prosecution.

4.1 Ministry Point of Impingement Limits

The main performance limit of a Comprehensive CofA is ongoing demonstration of compliance with Section 5 of O. Reg. 346. The POI Standards and POI Guidelines

(Ministry's POI Limits) that must be complied with are summarized in the ministry publication titled "Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs)" date September 2001 as amended.

Prior to making any modifications the company will be required to conduct an assessment based on the original ESDM Report that supported the application for the Comprehensive CofA to determine if the facility, after the proposed modification has been conducted, will continue to be in compliance with O. Reg. 346. The emission estimates and assumptions used to conduct this assessment must be consistent with the Ministry reviewed estimates and assumptions in the CofA review process. If the company cannot demonstrate this compliance then the company cannot make the modification. Proceeding with such a modification will violate the terms and conditions of the Comprehensive CofA.

The Comprehensive CofA prescribes a specific procedure if the company introduces a new contaminant used or produced at the facility that does not have a Ministry POI Limit or for an increase in the emission rate of a contaminant without a Ministry POI Limit above the level that was assessed as part of the application. For further information see the section 6.0 titled Maximum Concentration Level Derived by Company in this user guide.

4.2 Noise and Vibration Limits

The EPA defines a contaminant to include sound or vibration. Noise and vibration impacts were considered in the course of assessing applications for the Comprehensive CofA. The Comprehensive CofA will include, as a minimum, a requirement for the company to demonstrate that it meets, or has a program in place to meet, the ministry noise guidance described in NPC 205.

Specifically, this means that the company will have to demonstrate the current noise screening criteria are met or undertake a noise impact assessment for the facility to document the noise impact at the nearest receptors and if necessary, describe a program of noise abatement measures that would be undertaken to address excessive noise impact. Based on the ministry's review of the company's noise screening assessment or noise impact assessment, facility specific conditions maybe placed on the Comprehensive CofA.

Prior to making any modifications the company will be required to conduct a screening process/assessment to determine if the facility, after the proposed modification has been conducted, will continue to be in compliance with NPC 205 or any other facility specific noise conditions included with the Comprehensive CofA. If the company cannot demonstrate this compliance then the company cannot make the modification, proceeding

with such a modification will violate the terms and conditions of the Comprehensive CofA.

This does not require that a company conduct a noise audit on an ongoing basis unless specifically required by the Comprehensive CofA.

4.3 Facility Specific Limits

Facility specific performance limits may by added through additional conditions based on the requirements of ministry Guidelines, published EAAB direction or local issues.

5. DOCUMENTATION REQUIREMENTS

A Comprehensive CofA has specific conditions that require the company to keep detailed documentation that verifies compliance with all performance limits. The requirements are ongoing and must be available, for inspection by the ministry, at any time.

5.1 Maintaining an Updated ESDM Report

Consistent with the requirements of the Performance Limits in Section 4.0, the main documentation requirement is the ongoing maintenance of an ESDM Report that demonstrates compliance with Ministry POI Limits under O. Reg. 346. Prior to making any modifications, the company will be required to update the ESDM Report, as necessary, to document that the facility, after the proposed modification has been conducted, is in compliance with O. Reg. 346.

Although the updated ESDM Report is not required to be submitted to the ministry, it must be at all times, made available for review by ministry personnel upon request.

5.2 Modification Log

The company is required to keep a log that describes all modifications allowed under the limited operational flexibility conditions. This log will be used by both the ministry and the company to track the changes to the facility and compliance with the Comprehensive CofA.

For smaller facilities this log may be rather straightforward and simple to maintain; for larger facilities tracking may be more challenging. Companies may therefore wish to define some modifications as negligible or not significant that do not alter the rate or discharge of a compound of concern as defined by the Comprehensive CofA and by

doing so create a class or type of modification that do not have to be tracked. Modifications that result in no change or a negligible change in the emissions from a source may be considered insignificant, if it can be demonstrated that the impact of the modification would be negligible when compared to the overall POI impact for the contaminants of a facility. Examples of modifications that may be classed as negligible or insignificant may include but are not limited to:

- minor product reformulation of less that a specified amount that does not result in a significant change in POI concentration;
- minor reconfiguration of pollution control equipment internal ducting; or
- modifications to sources that have been classed as insignificant in the ESDM Report.

In each case the company will be required to define negligible or significant on a facility specific basis. This requirement is in keeping with the concept of emitter accountability and the requirements of the Procedure Document. Companies are accountable to defend and document their assessment and incorporate updating procedures for the ESDM Report to address negligible or insignificant modifications as a class of activities. Documentation of this assessment must be available for inspection.

In each case, the modification must not alter the facility to any extent that would affect the ESDM Report. Care must be taken, therefore, in the definition and documentation of significant sources in the ESDM to facilitate the tracking of modifications. If an apparent insignificant modification would affect the wording or figures in the ESDM report then the modification must be logged and the report must be updated. For example, stack relocation and change requires an update of the ESDM Source Summary Table and Site Plan.

5.3 Public Communication

The company is required to keep the public informed of the facility's compliance with O. Reg. 346 by making the ESDM Emission Summary Table available for inspection by the public, at all times, at the facility. The Emission Summary Table is specifically required by the Procedure Document and compares the predicted POI concentration from the aggregate emission from all sources to the appropriate Ministry POI Limit. Companies may wish to consider other methods of making this information available to the public such as through a company or other dedicated web site.

The Comprehensive CofA does not require the company to make the entire ESDM report public or any information that would be considered confidential under the *Freedom of Information and Protection of Privacy Act*.

5.4 Annual Written Summary

The Comprehensive CofA includes the requirement that the company submit an annual Written Summary. The content of this Written Summary is defined by the Comprehensive CofA. The purpose of the summary is so that the ministry can track the modifications conducted over time at a facility and assess the impacts of these modifications.

The reporting date is set at the same date as the reporting requirements of Ontario Regulation 127 - Airborne Contaminant Discharge Monitoring and Reporting Regulation Amended to O. Reg. 196/01 to facilitate reporting requirements for the company.

6. MAXIMUM CONCENTRATION LEVEL DERIVED BY COMPANY

The ministry, through the Standards Development Branch (SDB), sets environmental quality standards to protect human and ecosystem health and the quality of the natural environment. Standards are developed for air, soil, ground water, surface water, drinking water, sediment and biota.

6.1 Background - Ministry POI Limits

Air quality standards are included within Schedule I of O. Reg.346 as Maximum Half Hour Average Point of Impingement Standards (POI Standards). All sources are required to comply with the POI Standards in O. Reg. 346 unless they are specifically exempt. In addition to POI Standards the ministry also has a large number of POI Guidelines. These POI Guidelines are used by the ministry to assess general air quality and the potential for causing adverse effect. Like the POI Standards, POI Guidelines are used in reviewing applications for Certificates of Approval.

Together these POI Standards and POI Guidelines (Ministry POI Limits) form the basis for demonstrating ongoing compliance with the Performance Limits of the Comprehensive CofA. The Ministry POI Limits are provided in the publication titled "Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs)" dated September 2001 as amended.

The Ministry POI Limits are typically derived by mathematical scaling, from Ambient Air Quality Criteria (AAQCs) which represents human health or environmental effect-based values. Effects based standards are based on a scientific evaluation of the likelihood of adverse effects due to exposure to a substance and are set at a level that

minimizes the occurrence of adverse effects or unreasonable risk to health or the environment.

6.2 Contaminants without Ministry POI Limits

Ministry POI Limits are available for more than 350 contaminants used or produced by industry in Ontario. However, many more compounds exist that meet the definition of a contaminant under the EPA than the number of contaminants with standards or guidelines. Where a facility emits a contaminant for which there is no MOE POI Limit the proponent submit a request to the ministry.

6.3 Definition of Compound of Concern

The Procedure Document requires that:

> "in the event that a contaminant for which there is no Half-hour POI criteria is emitted from a source, the estimation of the emission and the POI concentration must be performed and reported if based on the generally available information . . . the resultant POI could cause an adverse effect."

The Comprehensive CofA contains a definition of a Compound of Concern based on the above Procedure Document requirement to clarify what compounds must be included in the ESDM Report.

Any contaminants without a Ministry POI Limit identified in the original ESDM Report that supported the application for a Comprehensive CofA would have been assessed as part of the ministry's review of the original ESDM Report. Information on the predicted POI concentration, along with any supporting toxicological information, was provided to SDB by EAAB staff and if accepted, the predicted POI concentration became the facility specific limit for the purposes of determining compliance with the Comprehensive CofA upon approval of the application.

6.4 Process to Develop Maximum Concentration Level Derived by the Company

When operating under the limited operational flexibility conditions of the Comprehensive CofA the company may need to establish a Maximum Concentration Level Derived by the Company if:

- the modification introduces a new Compound of Concern used or produced at the facility that does not have a Ministry POI Limit; or

- the modification increases the emission rate of an existing Compound of Concern that does not have a Ministry POI Limit above the level that was assessed as part of the application.

Once a contaminant without a Ministry POI Limit is identified as above, the Comprehensive CofA requires the company to submit an assessment of a proposed Maximum Concentration Level Derived by the Company to SDB for review.

The proposed Maximum Concentration Level Derived by the Company shall be provided to the Director Section 9, Environmental Assessment and Approvals Branch (EAAB) with a copy provided to the Local District Office. The assessment supporting the Maximum Concentration Level Derived by the Company should reference the Comprehensive CofA reference number. The EAAB will forward the request to the Manager, Human Toxicology and Air Standards, Standards Development Branch.

6.5 Who can provide information?

The Comprehensive CofA requires that a Toxicologist prepare the assessment. The Comprehensive CofA defines a Toxicologist as follows:

> "a qualified professional currently active in the field of Risk Assessment and/or Toxicology that has a combination of formal University education, training and experience necessary to assess the Compound of Concern in question"

The intent of this definition is to hold the company accountable for the submission a Maximum Concentration Level Derived by the Company, so that the only persons that have the specific education and training required to qualify them to prepare this information are retained by the company. At the current time there is no formal professional designation that meets these requirements, however people that are qualified to do this work are generally referred to as Toxicologists or Risk Assessors. Companies, when determining who will prepare the necessary submissions to SDB, should carefully consider the qualifications of the persons retained to assess if they meet these requirements.

Submissions from persons that do not meet the requirements of a Toxicologist as defined by the Comprehensive CofA will not be accepted by the SDB.

6.6 Recommendations of Air Standard Manager

After review of the submission, the Air Standards Manager will either accept the proposed Maximum Concentration Level Derived by the Company or will make specific recommendations.

It must be noted that the Air Standards Manager will not make recommendations of specific numerical criteria for a site. Recommendations of the Air Standards Manager could include:

- request to submit additional information and assessment;
- direction to hold proposed modifications because the resultant concentrations are not acceptable and request that proposed modifications be revised and the submission be resubmitted so that the emission estimates are lower in order to prevent possible adverse effects; or
- request to hold proposed modifications to allow further review based on the complexity or number of compounds under review.

Companies are encouraged to make submission as soon as possible once the proposed modifications are identified before the minimum one month period required by the Comprehensive CofA. SDB will endeavor to complete the review of all submissions within the one month period specified on the Comprehensive CofA and will only make recommendations to hold off on the proposed modifications when necessary. The company may complete the modifications fter the one month period from submission has been completed, if no other direction from SDB is received.

The review of the Maximum Concentration Level Derived by the Company is not a standard setting process, rather it is a formalization of the current internal ministry policy of assessing contaminants that do not have Ministry POI Limits prior to making a modification at a facility. This process in consistent with the principals of emitter accountability; proponents are required to assess the impacts of the proposed modification prior to submitting the request for review of the Maximum Concentration Level Derived by the Company.

The following section provides information on the larger ministry standards development process.

6.7 Need to keep updated with Standards Development Process

The ministry has identified the need to develop and/or update air guidelines/standards for priority contaminants. The ministry's Standards Plan (revised October 1999) (www.ene.gov.on.ca/envision/env_reg/er/documents/2000/pa9e0004.pdf) outlines this need. New standards for 70 high priority air pollutants have been developed or are being developed, while the limits for 75 lower priority air standards have been reaffirmed at their current values. Factors used by the ministry to determine which contaminants require priority include potential degree of exposure, volume of use, toxicity, Federal/Provincial commitments and sensitive sub-populations, including children.

As decisions on air standards are made, O. Reg. 346 will be amended to implement them and make them more enforceable. For example, in September 2001, 18 new, reaffirmed or updated air quality standards for priority contaminants were added to O. Reg. 346. Once the regulation is effective, all facilities are required to comply with these new requirements.

The Comprehensive CofA places specific requirements for companies to monitor progress with the Standards Plan that result in changes to air quality standards. Companies will be required to comply with any new standards as part of the overall implementation plan developed as part of the standard setting process. Compliance with the new criteria that effect the facility must be reported to the Ministry in the annual Written Summary required by the Comprehensive CofA.

For further information on this process please contact SDB.

7. OTHER CONDITIONS

The Comprehensive CofA also contains a number of standard conditions listing specific operating requirements considered necessary so that the facility's operations are protective of the environment. The CofA may also include other conditions to address local and facility specific issues which are considered necessary based on conditions identified during the review of the application or the type of pollution control equipment used at the facility.

7.1 Operation and Maintenance

This section requires the company to identify processes with significant environmental aspects and then prepare operating procedures and maintenance programs and manuals for the equipment related to these processes. The focus of the manuals should be on the required actions necessary to maintain normal operation and minimize potential for environmental impacts. As a minimum, the manuals should include the following:

- routine operating and maintenance procedures in accordance with good engineering practices, recommendations of the equipment suppliers and company specific protocols as appropriate;
- procedures to minimize upset conditions, fugitive emissions and other environmental impacts; and
- procedures for any record keeping activities relating to operation and maintenance of the equipment.

7.2 Notification Requirements

This section requires the company to provide notifications to the ministry regarding ongoing activities within the facility.

7.3 Record Keeping Requirements

This section stipulates the minimum records and information which must be retained and the minimum time frame which the records and information must be retained. These records are to be made available for review by ministry personnel upon request.

7.4 Revocation of Previous Certificates of Approval (Air)

This section is included to emphasize that the Comprehensive CofA is intended to replace all CofAs that have been previously issued for this facility.

7.5 Facility Specific Conditions

The Comprehensive CofA may include other conditions from historic approvals issued to the company, specific testing or monitoring conditions as required by EAAB Operational Practice or to further document ongoing compliance with the performance limits. Additional confirmatory activities, such as source testing, ambient monitoring, phyto/soil studies and field verification of key information, may be required through facility specific conditions as required to confirm the emission estimates and assumptions provided in the original ESDM Report that supported the application for a Comprehensive CofA and provide further assurance of compliance with the Performance Limits.

8. ONGOING VERIFICATION PROGRAM

The ministry has committed to an ongoing verification program to assess individual company compliance with Comprehensive CofA conditions and continuously monitor the collective implementation of the Comprehensive CofA Program. The purpose of ongoing verification will be to hold companies accountable to the requirements of the Comprehensive CofA and take action against any companies that are found in violation. A percentage of Comprehensive CofA holders will be selected each year some time after they have been issued the CofA. This program will allow the ministry to focus resources on facilities and projects that are environmentally significant. The ministry will use Written Summaries as one of the parameters to select companies for an audit.

The program will be conducted in cooperation with the larger ministry wide audit and inspection program of industrial facilities and EAAB staff and will work with the District Offices to coordinate site visits. Companies will be required to document compliance with both O. Reg. 346 and the terms and conditions of the Comprehensive C of A based on information contained in the ESDM Report and the other documentation requirements.

A failure to document compliance can result in the revocation of the conditions that provide the limited operational flexibility and may result in prosecution.

9. CLOSURE

This user guide has been provided to assist companies in complying with the requirements of a Comprehensive CofA and outlines the minimum requirements. Companies must determine for themselves what is necessary for their specific facilities and conditions.

The ministry will update this document to reflect the most current requirements and supporting information.

For any addenda or revisions to this user guide please contact:

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